

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	:	
Nykoluk et. al.	:	
	:	
Appln. No. 09/705,171	:	Art Unit: 3727
	:	
Filed: November 2, 2000	:	Examiner: Tri M. Mai
	:	
For: PIVOTAL HANDLE FOR TOWABLE	:	Docket No.: 26/1145US
BAGGAGE	:	(was 16513-5602)

Assistant Commissioner for Patents
Washington, D.C. 20231

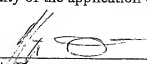
Declaration to Disqualify Commonly Owned Patent as Prior Art
(37 C.F.R. §1.130(a)2 MPEP §718 and §804.03)

Being of legal age, I, Kirk A. Damman, declare and state as follows:

1. This declaration is to disqualify United States Patent No. 6,434,790 to Chen as prior art.
2. TRG Accessories, LLC certifies it currently owns both the above referenced application being examined (Serial No. 09/705,171) and United States Patent No. 6,434,790.
3. TRG Accessories, LLC, certifies that it is the only assignee of the entire right, title, and interest in the above-identified United States patent application as indicated by assignments duly recorded in the United States Patent and Trademark Office at Reel 011269 and Frame 0270.
4. TRG Accessories, LLC, certifies that it is the only assignee of the entire right, title and interest in United States Patent 6,434,790, as indicated by assignments attached hereto as Exhibit A.
5. Upon information and belief, Cory O. Nykoluk and David Mittleman, the inventive entity of the above referenced application being examined (Serial No. 09/705,171) constitute the prior inventive entity under 35 U.S.C. §104 through invention of the subject matter in the United States.
6. I declare further that all statements made herein of my own knowledge are true and that all statements made on information and belief are

believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

April 7, 2003
Date



Kirk A. Damman
Attorney of Record for Application
Serial No. 09/705,171

EXHIBIT A

ASSIGNMENT

WHEREAS, I, Shou Miao Chen, (hereinafter "ASSIGNOR"), a citizen of the country of Taiwan, whose post office address is 344, Sec. 1, Chung Shan Road, Taichung Hsien, Taiwan, is the owner of certain patents, patent applications, and inventions, more particularly described below:

<u>Patent No.</u>	<u>Title</u>	<u>Date</u>
6,434,790	Pull rod of luggage	8/20/2002
6,279,706	Pull rod of luggage capable carried on one's back	3/23/2001
6,209,179	Clasping device	4/3/2001
6,026,543	Pressing device and arresting device of expandable pull rod of luggage	2/22/2000

<u>Publication No.</u>	<u>Title</u>	<u>Publication Date</u>
2002/0121759	Expandable wheel structure	9/5/2002
2003/0002276	Handle having a light emitting structure	1/22/2003

AND, WHEREAS, TRG ACCESSORIES, L.L.C., (hereinafter "ASSIGNEE") a Missouri Limited Liability Corporation, with offices at 9643 Olive Blvd., St. Louis, Missouri 63132, is desirous of acquiring the entire rights, title and interest in and to said patents, patent applications, and inventions and all patent rights therefor;

NOW, THEREFORE, for good and valuable consideration, the receipt of which is hereby acknowledged, I, said ASSIGNOR, do hereby sell, assign, transfer and set over unto said ASSIGNEE, the entire rights, title and interest in and to said patents, patent applications, and inventions, and in and to all Letters Patent and patent rights which may be granted or issued for said patents, patent applications, and inventions, in the United States, and any reissue, reexamination, continuation, continuation-in-part, division, PCT, or extension thereof, in the United States, the same to be held and enjoyed by said ASSIGNEE, its successors and assigns, as fully and entirely as the same would have been held and enjoyed by me if this Assignment and sale had not been made; and I agree to execute such further applications, powers of attorney, assignments and other documents as may be necessary or desirable to effectuate this Agreement.

AND I DO HEREBY authorize and request the Commissioner of Patents and Trademarks to issue said Letters Patent, when granted, to the said ASSIGNEE, its successors and assigns, as assigners of the entire right, title and interest in and to said invention, for the sole use and behalf of said ASSIGNEE, and for its successors and assigns, to the full ends of the terms for which Letters Patent may be granted.

AND I further grant to ASSIGNEE, its successors and assigns, the right to claim for any application for patent for said invention the full benefit of any international agreement between the United States and any foreign country or countries.

AND I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both.

Date: 3-07-03

Shou Miao Chen

Shou Miao Chen

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TERMINAL DISCLAIMER UNDER 37 CFR §§3.73(b) AND 1.321(c)

Pursuant to 37 CFR §3.73(b), TRG Accessories, LLC , a Missouri Limited Liability Corporation, certifies that it is the only assignee of the entire right, title, and interest in the above-identified United States patent application as indicated by assignments duly recorded in the United States Patent and Trademark Office at Reel 011269 and Frame 0270.

TRG Accessories, LLC, further certifies that it is the only assignee of the entire right, title and interest in United States Patent 6,434,790, as indicated by assignments attached hereto as Exhibit A.

The undersigned has reviewed the above documents and to the best of undersigned's knowledge and belief, title is in the assignee identified above for both identified applications.

The undersigned is an attorney of record in this case.

Pursuant to 37 CFR §1.321(b), and to obviate a double patenting rejection, the assignee identified above hereby waives and disclaims the terminal portion of the term of the entire patent to be granted upon the above identified application subsequent to the expiration date of any patent granted on United States Patent 6,434,790. Further, any patent granted on the above

identified application shall be enforceable only for and during such period that said patent is commonly owned with any patent granted on United States Patent 6,434,790.

The assignee identified above does not disclaim any terminal part of any patent granted on the above identified application prior to the expiration date of the full statutory term of any patent granted on United States Patent Application Ser. No. 29/155,507 in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR. 51.321, has all claims cancelled by a reexamination certificate, or is otherwise terminated prior to expiration of its statutory term, except for the separation of legal title as stated above.

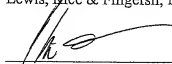
This disclaimer runs with any patent granted on the above application and is binding upon the grantee, its successors or assigns.

Enclosed is a check for \$110 for the required fee pursuant to 37 CFR §1.20(d).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully submitted,
Lewis, Rice & Fingersh, L.C.

Dated: April 7, 2003



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